1 2 3 4 UNITED STATES DISTRICT COURT 5 DISTRICT OF NEVADA 6 * * * 7 8 ANN MATISOFF, 9 Plaintiff(s), Case No. 2:10-cv-2214-RLH-GWF 10 ORDER VS. (Motion for Partial Dismissal–#11) 11 PETCO ANIMAL SUPPLIES STORES INC., 12 Defendant(s). 13 Before the Court is Defendant's Partial Motion to Dismiss (#11, filed September 14, 14 15 2011). Defendant has also filed a Notice of Non-Opposition to Partial Motion to Dismiss (#12, filed 16 October 4, 2011). 17 Defendant seeks dismissal of Plaintiff's negligent supervision cause of action based on 18 the fact that Plaintiff has failed to allege any physical injury. Cf. Hall v. SSF, Inc., 112 Nev. 1384, 19 1392-93 (1996); Rockwell v. Sun Harbor Suites, 112 Nev. 1217, 1226-78 (1996); and Leidig v. 20 Honeywell, 850 F.Supp. 796 (D. Minn. 1994). The motion has merit. 21 Furthermore, Local Rule 7-2(d) provides that failure to file points and authorities in 22 opposition to a motion constitutes a consent that the motion be granted. Abbott v. United Venture 23 Capitol, Inc. 718 F.Supp. 828, 831 (D. Nev. 1989). It has been said these local rules, no less than the federal rules or acts of Congress, have the force of law. United States v. Hvass, 355 U.S. 570, 574-24 575 (1958); Weil v. Neary, 278 U.S. 160, 169 (1929); Marshall v. Gates, 44 F.3d 722, 723 (9th Cir. 25 26 1995). The United States Supreme Court itself has upheld the dismissal of a matter for failure to 1

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respond under the local court rules. Black Unity League of Kentucky v. Miller, 394 U.S. 100, 89 S. Ct. 766 (1969). IT IS THEREFORE ORDERED that Defendant's Partial Motion to Dismiss (#11) is GRANTED and Plaintiff's claim for negligent supervision is dismissed. Dated: October 26, 2011. United States District Judge